

**In The Matter Of:**  
*United States vs.*  
*PFC Bradley E. Manning*

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*Vol. 7*  
*June 17, 2013*  
*UNOFFICIAL DRAFT - 6/17/13 AM Session*

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Min-U-Script® with Word Index

1                   VOLUME VII

2                   IN THE UNITED STATES ARMY

3  
4                   UNITED STATES  
5                   VS.

6                   MANNING, Bradley E., PFC                   COURT-MARTIAL  
7                   U.S. Army, xxxx-xx-9504  
8                   Headquarters and Headquarters Company,  
9                   U.S. Army Garrison,  
10                  Joint Base Myer-Henderson Hall,  
11                  Fort Myer, VA 22211

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15                  The Hearing in the above-entitled matter  
16                  was held on Monday, June 17, 2013, at 9:30 a.m., at  
17                  Fort Meade, Maryland, before the Honorable  
18                  Colonel Denise Lind, Judge.

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1                   **DISCLAIMER**

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4 reporter who is not the official Government reporter,  
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16 editing purposes, misspelled terms and names, word  
17 combinations that do not make sense, and missing  
18 testimony or colloquy due to being inaudible to the  
19 reporter.

1 APPEARANCES:

2

3 ON BEHALF OF GOVERNMENT:

4 MAJOR ASHDEN FEIN

5 CAPTAIN JOSEPH MORROW

6 CAPTAIN ALEXANDER Von Elten

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8 ON BEHALF OF ACCUSED:

9 DAVID COOMBS

10 CAPTAIN JOSHUA TOOMAN

11 MAJOR THOMAS HURLEY

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## **PROCEEDINGS,**

2 THE COURT: Court is called to order. Major  
3 Fein, please account for the parties.

4 MR. FEIN: Yes, ma'am. Your Honor, all  
5 parties in the courtroom last recess are all present with  
6 the following exception: Captains Whyte and von Elten  
7 are absent. Captain Morrow is present.

**THE COURT:** All right. Thank you.

9 I'd like to begin with some housekeeping.  
10 There have been a number of exhibits that have been  
11 emailed to the court over the weekend that I would like  
12 to have put on the record. Major Fein, can you go  
13 through and account for those?

14 MR. FEIN: Yes, ma'am. And prior to that, if  
15 it may please the court, Your Honor, accounting for  
16 availability of public to the court-martial, there are  
17 currently 12 members of the media at the media operations  
18 center, with one stenographer. There's also one member  
19 of the media present in the courtroom. The theater,  
20 although available, is unused. The overflow trailer,  
21 also available, is unused. And there are seats available

1       in the courtroom itself.

2                  Your Honor, the United States on 15 June 2013  
3       filed the admissibility on Internet documents that's been  
4       marked as appellate exhibit 567.

5                  The defense on the same day filed its  
6       targeted brief titled an objection to prosecution  
7       exhibits 32, 33, 34 and 109, that has been marked as  
8       appellate exhibit 568.

9                  The defense also filed a motion for judicial  
10      notice of FOIA by Reuters that has been marked as  
11      appellate exhibit 569.

12                 The defense also filed a motion for judicial  
13      notice of CENTCOM class assessment that has been marked  
14      as appellate exhibit 570.

15                 And the defense filed a motion for judicial  
16      notice of WikiLeaks publications of 9/11 messages, that  
17      has been marked as appellate exhibit 571.

18                 THE COURT: Mr. Coombs, these defense  
19      requests for judicial notice, are they for the purposes  
20      of the motion?

21                 MR. COOMBS: No, Your Honor.

1                   THE COURT: Are they for purposes of the  
2 defense case during trial?

3                   MR. COOMBS: Yes, Your Honor.

4                   THE COURT: Has the government had an  
5 opportunity to look at those motions for judicial notice?

6                   MR. FEIN: No, Your Honor.

7                   THE COURT: I assume you want some time to do  
8 that?

9                   MR. FEIN: Yes, ma'am. The United States  
10 requests two duty days to review those and reply back to  
11 the court.

12                  THE COURT: That seems reasonable. Any  
13 objection?

14                  MR. COOMBS: No objection, Your Honor.

15                  THE COURT: Government, if you will have your  
16 reply back to the court by close of business on  
17 Wednesday.

18                  MR. FEIN: Yes, ma'am.

19                  THE COURT: Okay. All right. The parties  
20 and I met briefly in a RCM 802 conference before we came  
21 on the record today. Once again, that's a conference

1 where I go over scheduling and logistics issues with  
2 parties before we start the trial and sometimes during  
3 the trial when new issues arise. Both sides have advised  
4 me that they were going to need a little bit of time this  
5 morning to recess and go over some things that they need  
6 to, some administrative issues and some upcoming exhibits  
7 that they need to look at and address outside of the  
8 courtroom.

9                   Is there anything else we need to address at  
10 this time before we take that recess?

11                  MR. COOMBS: No, Your Honor.

12                  MR. FEIN: No, ma'am.

13                  THE COURT: How long do you need?

14                  MR. COOMBS: If we could have until ten  
15 hundred.

16                  THE COURT: Does that work for the  
17 government?

18                  MR. FEIN: Your Honor, may we have a moment?

19                  THE COURT: Yes.

20                  (DISCUSSION OFF THE RECORD.)

21                  THE COURT: As you're conversing, the better

1 approach would be to overestimate than underestimate.

2 MR. FEIN: Ma'am, the United States  
3 recommends we reconvene at 10:15.

4 THE COURT: All right. Does that work?

5 MR. COOMBS: Yes, Your Honor.

6 THE COURT: All right. Court is in recess  
7 until 10:15.

8 (RECESS.)

9 THE COURT: All right. Thank you.

10 Have we had any additional exhibits that have  
11 been marked?

12 MR. FEIN: Yes, ma'am. There are many  
13 exhibits that have been marked.

14 First, Your Honor, a stipulation with respect  
15 to the testimony of Mr. Motes, prosecution exhibit 131  
16 for identification.

17 Stipulation of expected testimony for Rear  
18 Admiral Woods, prosecution exhibit 132 for  
19 identification.

20 Stipulation of expected testimony for Vice  
21 Admiral Harward, prosecution exhibit 134 for

1 identification.

2 Stipulation of expected testimony from Miss  
3 Strobl, prosecution exhibit 135 Alpha, the classified  
4 version, and prosecution exhibit 135 Bravo for  
5 identification, the unclassified version.

6 Stipulation of expected testimony for Mr.  
7 Allen, prosecution exhibit 137.

8 Stipulation of expected testimony for Staff  
9 Sergeant Bigelow, prosecution exhibit 142 for  
10 identification.

11 Stipulation of expected testimony for Special  
12 Agent Williamson, prosecution exhibit 143 for  
13 identification.

14 Special Agent Rock, prosecution exhibit 79  
15 for identification.

16 Excuse me, Your Honor. Stipulation of  
17 expected testimony for Special Agent Rock, prosecution  
18 exhibit 79 for identification.

19 Stipulation of expected testimony for Mr.  
20 Downey, prosecution exhibit 149 for identification.

21 And stipulation of expected testimony for

1 Miss Thian has been marked as prosecution exhibit 150 for  
2 identification.

3 THE COURT: All right. Thank you.

4 MR. FEIN: Ma'am, may I correct one issue?  
5 The stipulation of expected testimony for Ms. Strobl,  
6 prosecution exhibit 135 Alpha for identification is the  
7 unclassified redacted version, and prosecution exhibit  
8 135 Bravo for identification is the classified version.

9 THE COURT: The two with classified  
10 stipulations, expected testimony of Ms. Strobl and who  
11 else?

12 MR. FEIN: Your Honor, for new prosecution  
13 exhibits that is the only one. The other I think you're  
14 referencing is the stipulation of expected testimony Mr.  
15 Travieso which is already been entered as prosecution  
16 exhibit 118 Alpha and prosecution exhibit 118 Bravo.

17 THE COURT: All right. Now, does the defense  
18 agree that the court's already gone over the stipulation  
19 of expected testimony of Mr. Travieso?

20 MR. COOMBS: Yes, ma'am.

21 MR. HURLEY: Yes, ma'am, we do.

1                   THE COURT: All right. PFC Manning, we've  
2 had this discussion about other stipulations of expected  
3 testimony. I note for the record that you're sitting  
4 over there in the panel box because one of the  
5 stipulations is classified and has an unredacted  
6 stipulation with it. Do you have a copy of all of those  
7 stipulations in front of you? That would be Mr. Motes,  
8 Rear Admiral Woods, Vice Admiral Harward, Ms. Strobl, the  
9 classified and redacted version?

10                  MR. HURLEY: Ma'am, we only have the redacted  
11 version.

12                  MR. FEIN: Ma'am, may I approach the court  
13 reporter?

14                  THE COURT: Yes.

15                  MR. FEIN: Your Honor, I'm handing to Major  
16 Hurley the classified.

17                  MR. HURLEY: We have it now, ma'am.

18                  THE COURT: All right. Major Hurley, has PFC  
19 Manning had an opportunity to read the classified  
20 version?

21                  MR. HURLEY: Yes, ma'am, he has.

1                   THE COURT: And Mr. Allen, Staff Sergeant  
2 Bigelow, Special Agent Williamson, Special Agent Rock,  
3 Mr. Downey, and Ms. Thian, T H I A N. Do you have all  
4 those stipulations of expected testimony in front of you?

5                   THE ACCUSED: Yes, ma'am.

6                   THE COURT: Did you read them thoroughly?

7                   THE ACCUSED: I have, ma'am.

8                   THE COURT: Did you have enough time to read  
9 them?

10                  THE ACCUSED: Yes, Your Honor.

11                  THE COURT: Do you understand the contents of  
12 each of these stipulations?

13                  THE ACCUSED: Yes, Your Honor.

14                  THE COURT: Do you agree with the contents of  
15 each of these stipulations?

16                  THE ACCUSED: Yes, Your Honor.

17                  THE COURT: Before signing the stipulation,  
18 each one of them, did your defense counsel explain the  
19 stipulation to you?

20                  THE ACCUSED: Yes, ma'am.

21                  THE COURT: Do you understand you have an

1 absolute right to refuse to stipulate to the contents of  
2 any of those documents?

3 THE ACCUSED: Yes, Your Honor.

4 THE COURT: Do you understand you should  
5 enter into those stipulations only if you believe it's in  
6 your best interest to do that?

7 THE ACCUSED: Yes, Your Honor.

8 THE COURT: Once again, I want you to  
9 understand how the stipulations is to be used. These are  
10 stipulations of expected testimony, and if counsel for  
11 both sides and you agree to a stipulation of expected  
12 testimony you are agreeing that if each of these  
13 witnesses were present here in court and testifying under  
14 oath they would testify substantially the same way as  
15 what's in the stipulation. The stipulation does not  
16 admit to the truth of the person's testimony. The  
17 stipulation can be contradicted, attacked or explained in  
18 the same way as if the person was testifying here in  
19 court, do you understand that?

20 THE ACCUSED: Yes, ma'am.

21 THE COURT: And knowing everything that I've

1 told you and your defense counsel have told you, do you  
2 still want enter into each one of these stipulations of  
3 expected testimony?

4 THE ACCUSED: Yes, ma'am.

5 THE COURT: Do counsel for both sides agree  
6 with the stipulation?

7 MR. FEIN: Yes, ma'am.

8 MR. HURLEY: Yes, ma'am.

9 THE COURT: May I see the original exhibits  
10 and I'll go ahead and admit them?

11 And you're going to retrieve the classified  
12 exhibit and Major Hurley and PFC Manning can return to  
13 the defense table.

14 All right. Prosecution exhibits 150 is  
15 admitted, 149 is admitted, 143 is admitted, 142 is  
16 admitted, 137 is admitted, 134 is admitted, 135 Alpha and  
17 Bravo are admitted, and I believe that covers them all.

18 Is there anything else we need to address  
19 before we proceed with the prosecution's case?

20 MR. FEIN: Yes, ma'am, there's one other  
21 administrative issue. May we have a brief moment?

1                   THE COURT: Yes.

2                   (DISCUSSION OFF THE RECORD.)

3                   MR. FEIN: Your Honor, the final stipulation  
4 we spoke about before was for Mr. Travieso. Prior to the  
5 government offering the evidence for any stipulations we  
6 had this as an appellate exhibit. It was previously  
7 marked as appellate exhibit 59 and not as a prosecution  
8 exhibit, so the United States offers Mr. Travieso's  
9 stipulation of expected testimony, which was previously  
10 marked as appellate exhibit 59, and is currently marked  
11 as 118 Alpha and Bravo as prosecution exhibits 118 Alpha  
12 and Bravo respectively.

13                  MR. HURLEY: No objection, Your Honor.

14                  THE COURT: All right. May I see them,  
15 please?

16                  MR. FEIN: Yes, ma'am.

17                  All right. Prosecution exhibits 118 Alpha  
18 and Bravo are admitted. I'm handing them back to the  
19 court reporter.

20                  There are no other issues, ma'am.

21                  THE COURT: All right. Proceed.

1                   MR. Von ELTEN: Ma'am, I have a stipulation  
2 of expected testimony for Mr. Jeffrey Motes, prosecution  
3 exhibit 131.

4                   THE COURT: Proceed.

5                   (STIPULATION OF EXPECTED TESTIMONY OF JEFFREY  
6 MOTES PUBLISHED IN OPEN COURT.)

7                   MR. Von ELTEN: Ma'am, at this time United  
8 States offers prosecution exhibit 95 for identification  
9 and prosecution exhibit 103 for identification in  
10 evidence.

11                  MR. HURLEY: No objection, Your Honor.

12                  THE COURT: May I see them, please?

13                  All right. Prosecution exhibits 95 and 103  
14 are admitted.

15                  And just for the record, counsel, I notice  
16 here we have the exhibits handwritten in where it looked  
17 like there had been a blank line. We discussed that with  
18 earlier stipulations, I believe you came together with a  
19 stipulation that the parties just weren't sure what the  
20 prosecution exhibit number would be and that's why it's  
21 handwritten in there. Is that true for these

1 stipulations of expected testimony, too?

2 MR. HURLEY: Yes, ma'am. And we took the  
3 additional step of once those were written in, we had PFC  
4 Manning sit down with the exhibits that were identified  
5 and as we worked through the stipulations we verified  
6 that the prosecution exhibit that had been written in  
7 comported with the surrounding information in the  
8 stipulation.

9 THE COURT: Is that true, PFC Manning?

10 THE ACCUSED: Yes, Your Honor.

11 THE COURT: Is that going to be the procedure  
12 for the rest of the stipulations of expected testimony?

13 MR. HURLEY: Yes, ma'am. We did that on one  
14 before, like the one we're about to read now, the more  
15 complicated ones, but now going forward it's going to be  
16 the practice every time with every future stipulation.

17 THE COURT: Is that with the concurrence of  
18 both sides?

19 MR. FEIN: Yes, ma'am.

20 THE COURT: PFC Manning, you agree to that  
21 procedure?

1                   THE ACCUSED: Yes, Your Honor.

2                   THE COURT: All right. Proceed.

3                   MR. FEIN: Prosecution exhibit 132, Rear  
4 Admiral Woods. Again, prosecution exhibit 132.

5                   (STIPULATION OF EXPECTED TESTIMONY OF DAVID  
6 B. WOODS PUBLISHED IN OPEN COURT.)

7                   MR. MORROW: Your Honor, the prosecution  
8 offers the stipulation of the expected testimony for  
9 Louis Travieso, prosecution exhibit 118 Bravo.

10                  THE COURT: All right. Proceed.

11                  (STIPULATION OF LOUIS TRAVIESO PUBLISHED IN  
12 OPEN COURT.)

13                  MR. MORROW: And for the record, Your Honor,  
14 the United States did not read paragraph nine of this  
15 prosecution exhibit.

16                  THE COURT: All right.

17                  MR. FEIN: Your Honor, the United States  
18 offers prosecution exhibit 134 which is the stipulation  
19 of expected testimony of Vice Admiral Robert S. Harward  
20 dated 17 June 2013.

21                  THE COURT: Proceed.

1 (STIPULATION OF EXPECTED TESTIMONY OF ROBERT  
2 S. HARWARD, JR. PUBLISHED IN OPEN COURT.)

3 THE COURT: Thank you.

4 MR. FEIN: Your Honor, the United States  
5 offers to publish on the record exhibit 135 Alpha, the  
6 stipulation of expected testimony of Ms. Katherine Strobl  
7 dated 16 June, 2013.

8 THE COURT: I notice here my copy doesn't  
9 have a date. Does the court copy?

10 MR. HURLEY: Ma'am, it's been the practice of  
11 the defense has dated and defense counsel has  
12 (INAUDIBLE), we signed it yesterday, so 17 June.

13 THE COURT: 17 June, is that on the original?

14 MR. FEIN: 16 June was yesterday, ma'am.

15 MR. HURLEY: I'm disoriented. 16 June from  
16 yesterday. My apologies. Sunday is the day we signed  
17 it.

18 MR. FEIN: And the original is dated 16 June.

19 THE COURT: What about the classified  
20 version?

21 MR. FEIN: The original classified version,

1 Your Honor, is also prosecution exhibit 135 Bravo dated  
2 16 June.

3 THE COURT: Thank you.

4 (STIPULATION OF EXPECTED TESTIMONY OF  
5 KATHERINE STROBL PUBLISHED IN OPEN COURT.)

6 MR. FEIN: Your Honor, there's one correction  
7 that needs to be made on this document.

8 THE COURT: All right. Why don't you take a  
9 moment with the defense counsel.

10 MR. FEIN: Yes, ma'am.

11 (DISCUSSION OFF THE RECORD.)

12 MR. FEIN: Your Honor, there should be a box  
13 that is redacted on this document, so for reading on the  
14 record the portion will be skipped and the documents will  
15 be corrected after this.

16 THE COURT: All right. Major Hurley, does  
17 the defense agree with the proposed correction by the  
18 government?

19 MR. HURLEY: Yes, we do, ma'am.

20 THE COURT: Thank you.

21 MR. FEIN: Your Honor, the United States

1 moves to admit what has been marked as prosecution  
2 exhibit 136 for identification as prosecution exhibit  
3 136.

4 MR. HURLEY: No objection, Your Honor.

5 THE COURT: May I see it, please.

6 Prosecution exhibit 136 for identification is  
7 admitted.

8 MR. FEIN: Ma'am, to correct something the  
9 United States skipped over, after prosecution exhibit 134  
10 the stipulation of expected testimony for Vice Admiral  
11 Harward was read on the record, the United States failed  
12 to move to admit prosecution exhibit 133 for  
13 identification as prosecution exhibit 133.

14 MR. HURLEY: No objection, ma'am.

15 THE COURT: All right. May I see it, please?  
16 All right. Prosecution exhibit 133 for  
17 identification is admitted.

18 MR. FEIN: And the United States requests a  
19 recess for lunch.

20 THE COURT: All right. How long would you  
21 like?

1                   MR. FEIN: Can we do 1315, ma'am?

2                   THE COURT: That's fine. All right.

3 Anything else we need to address?

4                   MR. FEIN: No, ma'am.

5 (LUNCH RECESS.)

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